UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,416	07/20/2001	Sandy Craig Kronenberg	0001-0003	2644

7590 10/19/2004	EXAMINER
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ART UNIT	PAPER NUMBER
2141	

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DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/910,416	KRONENBERG, SANDY CRAIG
	Examiner	Art Unit	
	Djenane M Bayard	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>21 July 2001</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-15</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-15</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   The abstract of the disclosure is objected to because the abstract should not be

more that 150 words in one paragraph. Correction is required. See MPEP § 608.01(b).

Claim Objections

2.   Claim 8 is objected to because of the following informalities: "have and

associated retrieval key" should be "have an associated retrieval key . Appropriate

correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. The phrase " creation of secure packets could require a fee to

"enter" the network of relays creation of a retrieval key could trigger a billing " renders

the claim indefinite.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent granted
> on an application for patent by another filed in the United States before the invention by the applicant
> for patent, except that an international application filed under the treaty defined in section 351(a) shall
> have the effects for purposes of this subsection of an application filed in the United States only if the
> international application designated the United States and was published under Article 21(2) of such
> treaty in the English language.

6.   Claim 2, 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S.

Patent Application No. 2001/0044905 to Novak et al .

a.   As per claim 2, Novak et al teaches a method for transmitting packets in a secure

format from a first node to a second node, comprising the steps, executed in a data

processing system, of: receiving secure packets in a first secure relay from the first node;

determining if a retrieval condition has been indicated; forwarding secure packets

associated with the retrieval condition to the second node if the retrieval condition has

been indicated (See page 5, paragraph [0069]); and forwarding the secure packets to

another secure relay if the retrieval condition has not been indicated (See page 5,

paragraph [0070]).

b.   As per claim 4, Novak et al teaches wherein determining if a retrieval condition

has been indicated further comprises: receiving a retrieval packet from the second node in

the secure relay that indicates the retrieval condition for secure packets; and forwarding

any secure packet associated with the retrieval packet to the second node once the

retrieval packet has been received (See page 5, paragraph [0069]).

c.   As per claim 5, Novak et al teaches determining if a secure packet is associated

with the retrieval packet by using a key algorithm (See page 2, paragraph [0022]).

d.   As per claim 6, Novak et al teaches wherein forwarding the secure packet to the

second node further comprises forwarding secure packets associated with the retrieval

condition to the second node (See pages 4 and 5, paragraph [0068-0069]).

7.   Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent

No. 6,084,969 to Wright et al.

a.   As per claim 14, Wright et al teaches a method of billing for the secure transport

service compromising: creation of secure packets could require a fee to "enter" the

network of relays creation of a retrieval key could trigger a billing (See col. 3, paragraph

30-38). (ex. Invoice generated or charge a credit card) by the service

provider/communications carrier, perhaps based on any one or many parameters (time,

size, source, destination, tariffs, encryption level, iterations of data).

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2001/0044905 to Novak et al in view of U.S. Patent No. 5,548,649 to Jacobson.

a.   As per claim 1, Novak et al teaches a secure transport system for transporting secure packets from a first node to a second node, comprising: a first node that creates secure packets; a first secure relay that receives secure packets and non secure packets from multiple nodes, wherein the secure relay forward each secure packet to a different secure relay and forwards non-secure packets to destination relays, and wherein the secure relay forwards each secure packet to the second node when a retrieval condition has been indicated; and a second node that creates a relay condition and receives the secure packets (See page 5, paragraph [0069]. However, Novak et al fails to teach a first secure relay that receives non secure packets from multiple nodes, wherein the secure relay forward each non-secure packets to destination relays.

Jacobson teaches a network security bridge. Furthermore, Jacobson teaches wherein a first secure relay that receives non secure packets from multiple nodes, wherein the secure relay forward each non-secure packets to destination relays (See col. 8, lines 35-49).

It would have been obvious to one with ordinary skill in the art at the time the invention was done to incorporate a first secure relay that receives non secure packets

from multiple nodes, wherein the secure relay forward each non-secure packets to destination relay as taught by Jacobson in the claimed invention of Novak et al in order to allow unencrypted data to be transmitted between host (See col. 1, lines 20-25).

b.   As per claim 15, Novak et al a secure transport system for transporting packets through both secure relays and standard non-secure relays comprising: transmitting secure packets over a private/semi-private network, wherein the private/semi-private network includes secure transport relays; transmitting secure packets over a wide area network, wherein the wide area network includes both secure transport and forwarding the secure packets to a secure transport relay (See page 5, paragraph [0069]) However, Jacobson fails to teach relays as well as relays that are not secure transport relays and wherein the secure packets appear to the non secure transport relays as standard IP traffic.

Jacobson teaches relays as well as relays that are not secure transport relays and wherein the secure packets appear to the non secure transport relays as standard IP traffic (See col. 8, lines 35-49).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate relays as well as relays that are not secure transport relays and wherein the secure packets appear to the non secure transport relays as standard IP traffic as taught by Jacobson in the claimed invention of Novak et al in order to allow unencrypted data to be transmitted between host (See col. 1, lines 20-25).

10.   Claims 3, 7-9 and 12-13 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent Application No. 2001/0044905 to Novak et al in view of

U.S. Patent Application No. 2002/0010866 to McCullough et al.

a.   As per claim 3, Novak et al teaches the claimed invention as described above.

However, Novak et al fails to teach creating secure packets in a first node and

transmitting the secure packets to random secure relays.

McCullough et al teaches a method for increasing peer-to-peer bandwidth

between remote networks by combining multiple connections which use arbitrary data

paths. Furthermore, McCullough et al teaches creating secure packets in a first node and

transmitting the secure packets to random secure relays (See page 6, paragraph [0087]).

It would have been obvious to one with ordinary skill in the art at the time the

invention was made to incorporate creating secure packets in a first node and transmitting

the secure packets to random secure relays as taught by McCullough et al in the claimed

invention of Novak et al in order to improve the performance of the connection between

the private peer and the computer networks (See page 1, paragraph [0002]).

b.   As per claim 7, Novak et al teaches the claimed invention as described above.

However, Novak et al fails to teach wherein forwarding the secure packets to another

secure relay further comprises: randomly selecting a second secure relay to forward a

secure packet to; and modifying a header associated with each secure packet to reflect the

second secure relay.

McCullough et al teaches forwarding the secure packets to another secure relay further comprises: randomly selecting a second secure relay to forward a secure packet to; and modifying a header associated with each secure packet to reflect the second secure relay (See page6, paragraph [0087]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate creating secure packets in a first node and transmitting the secure packets to random secure relays as taught by McCullough et al in the claimed invention of Novak et al in order to improve the performance of the connection between the private peer and the computer networks (See page 1, paragraph [0002]).

c.   As per claims 8 and 12, Novak et al teaches a method for transmitting a message from a first node to a second node in a secure manner, comprising the steps, executed in a data processing system, of: creating a set of secure packets associated with the message, wherein secure packets have and associated retrieval key (See page 5, paragraph [0070]); However, Novak et al fails to teach forwarding the secure packets to between secure routers so long as the retrieval key is not received; and forwarding the secure packets to the second node once the retrieval key is received.

McCullough et al teaches forwarding the secure packets to between secure routers so long as the retrieval key is not received; and forwarding the secure packets to the second node once the retrieval key is received (See page 6, paragraph [0087]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate forwarding the secure packets to between secure routers so long as the retrieval key is not received; and forwarding the secure packets to

the second node once the retrieval key is received as taught by McCullough in the

claimed invention of Novak in order to improve the performance of the connection

between the private peer and the computer networks (See page 1, paragraph [0002]).

d.   As per claim 9, Novak teaches the claimed invention as described above.

Furthermore, Novak teaches transmitting a retrieval key from the second node to a

secure router; and forwarding the retrieval key to multiple secure routers (See page 3,

paragraph [0053]).

e.   As per claim 13, Novak teaches the claimed invention as described above.

Furthermore, Novak teaches wherein forwarding the secure packets from one secure relay

to another secure relay further comprises: at the secure relay, replacing a destination

header in a secure packet with a random secure relay; and at the secure relay, replacing a

destination header in a secure packet with the destination node when the retrieval key is

received (See page 5, paragraph 0071]).

10.   Claim 10-11are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Application No. 2001/0044905 to Novak et al in view of U.S. Patent Application

No. 2002/0019933 to Friedman et al.

a.   As per claim 10, Novak et al a method for receiving a message at a node, wherein

the message contains multiple secure packets, comprising the steps of: transmitting a

retrieval key to a secure router from the node, wherein the retrieval key is associated with

the multiple secure packets; receiving from a secure router secure packets associated with the retrieval key (See page 5, paragraph [0079]); However, Novak et al fails to teach resequencing the secure packets to recreate the message.

Friedman et al teaches a network security device. Furthermore, Friedman teaches resequencing the secure packets to recreate the message (See page 8, paragraph [0161]).

It would have been obvious to one with ordinary skill in the art at the time the invention was done to incorporate resequencing the secure packets to recreate the message as taught by Friedman et al in the claimed invention of Novak et al in order to provide network security for individual hosts attached to a network (See page 3, paragraph 0042]).

b.   As per claim 11, Novak teaches the claimed invention as described above. Furthermore, Novak teaches creating a retrieval key based on the message (See pages 3 and 4, paragraph [0056]). This retrieval key could be triggered any number of methods (ex. 1. automatically using a built in time delay created during the creation of the secure packets of data, 2. by a client transmitting a retrieval key to relays, 3. some other event [data integrity check, network outage or insufficient client funds]).
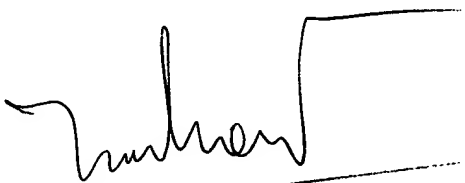
Conclusion

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Djenane M Bayard whose telephone number is (703) 305-

6606. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

    Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Djenane Bayard

Patent Examiner

LE HIEN LUU
PRIMARY EXAMINER